

ADVERTISEMENT

OF THE

WORKS OF MR. JUSTICE STORY.

NEW AND REVISED EDITIONS.

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MR. JUSTICE STORY'S WORKS.

LITTLE AND BROWN

Beg leave to inform the profession that they have recently published new and revised editions of all Mr. Justice Story's valuable Law Treatises.—Orders addressed to the Publishers will always receive the most prompt attention.

Mr. Justice Story's Treatises on various branches of the law, have been extensively circulated in this country and republished in England. They are constantly cited in the Courts of both countries. The weight to be attached to such citations by English judges will be appreciated, when it is considered how rarely text-books are referred to as authorities, in Westminster Hall.

The following collection of extracts, both from the opinions of judges, and from the resolutions of the bars of various courts—articles in reviews, addresses and text-books, will serve to show the universal and enduring esteem in which these works are held.

GENERAL NOTICES.

“In regarding the deceased (Mr. Justice Story) as an author, jurisprudence mourns one of her greatest sons,—one of the greatest not only among those of his own age, but in the long succession of ages, whose fame has become a familiar word in all lands where the law is taught as a science, whose works have been translated and commented on in several of the classical languages of the European Continent, and have been received as authorities throughout the civilized world. It was his lot, while yet alive, to receive as from a distant posterity, the tribute of foreign nations to his exalted merit as a jurist.” *From the Resolutions of the Suffolk Bar, offered by Hon. Daniel Webster.*

“I think all the treatises of my friend Story are, upon the whole, the most finished and perfect of their kind, to be met

with in any language, foreign or domestic; and for learning, industry, and talent, he is the most extraordinary jurist of the age.” *Extract from a letter of Chancellor Kent to the editor of the Louisiana Law Journal, July 31, 1841.*

“Of these works [Agency, Partnership, Bills and Promissory Notes] it is enough at present to say, that they exhibit the unabated fulness of his learning, and bear the strong impress of his comprehensive and vigorous mind. Had he written no others, these alone would enroll his name among the first legal authors of the age.” *Professor Greenleaf's Eulogy.*

“We confidently recommend also to the careful study, no less of the British than of the American legists, the ‘Commentaries on the Conflict of Laws,’ and the ‘Commentaries on Equity Jurisdic-

tion', by the same author. As to his very able Commentaries on the American Constitution, they, of course, will be studied on this side of the Atlantic; but we doubt not the bright day of unprejudiced, untrammelled philosophical research will soon prevail much beyond these limits; and that the scholars, at least, of that noble country to which we are so closely allied by various ties, will also unite with us in admiration, praise, and study of this work." *Hoffman's Legal Outlines*.

"As a lawyer, a judge, a professor, he was always a jurist. While administering justice between parties, he sought to extract from the cause the elements of future justice, and to advance the science of the law. He stamped upon his judgments a value which is not restrained to the occasions on which they were pronounced. Unlike mere medals of importance to private parties only, they have the currency of the gold coin of the republic, with the legend and superscription of sovereignty wherever they go, even in foreign lands." *From an Address before the F. B. K. of Harvard University, Boston, 1846, by Charles Sumner, Esq.*

"When I think of the incalculable facilities which are afforded by his labors, I cannot but say with Racine, when speaking of Descartes, '*Nous courons; mais, sans lui, nous ne marcherions pas.*' Besides, it is he who has inspired in many foreign bosoms, reluctant to perceive aught that is good in our country, a sincere homage to the American name. He has turned the stream of the law reflowing upon the ancient fountains of Westminster Hall, and stranger still, he has forced the waters above their sources, up the unaccustomed heights of countries alien to the common law. It is he, also, who has directed from the copious well-springs of the Roman law, and from the fresher fountains of the modern continental law, a stream of pure and grateful waters to enrich and fertilize our domestic jurisprudence." *From a notice of Judge Story in the Boston Daily Advertiser, by C. Sumner, Esq.*

"It is not so much the language of eulogy, as of simple truth, to say, that he died the most learned jurist of his age." *Western Law Journal, Cincinnati*, v. 4, p. 45.

"He was a thorough master of every

branch of the law; he sported with the dryest technicalities, and was equally at home with questions that severely try the judgment, and appeal to the highest qualities of the mind. His fame is not his country's alone; it is coextensive with the common law; it reaches every state where the code of Justinian is known." *Law Reporter*, v. 8, p. 244.

"No magistrate and no author in any age has enriched the jurisprudence of the common law by so great an addition to its treasures, whether we regard his works in their actual amount, or the variety of subjects which they treat. . . . He has exhibited a depth of learning, an acuteness of discrimination, a profoundness of judgment, and a fertility of illustration, which all together, have been excelled by few magistrates of any age, and surpassed by none. . . .

[His treatises] "at once so simple and clear in method, that the unlearned may read them with the most easy and perfect comprehension of the whole matter that is treated, and at the same time, so copious, exact, and searching, in the analysis and discussion of principles and cases, as leaves nothing to be desired by the learned." *Remarks of his Honor Judge Ware, in reply to the Resolutions of the Bar, presented at the October Term (1845) of the Circuit Court of the United States, for the Maine District.*

"The various, well digested, happily-constructed performances of Judge Story, in the line of his profession, . . . are a rich treasure for his country and for civilized man in every region, and will be gratefully admired and cherished, as long as the light and love of all good learning shall remain unextinguished." *Hon. Judge Davis's remarks at the meeting of the Bar of the Circuit Court, for the District of Massachusetts.*

"A series of works which have attracted the attention of Europe, as well as of this entire Union, which, independently of the labors of a long judicial life, would have won for the author the highest rank, reputation and authority as an expounder of the law." *Remarks of Hon. Thomas M. Pettit to the Philadelphia Bar.*

"He has surpassed almost every living name in the variety and extent of his legal writings." *Resolutions of the Bar of the Southern District of Mississippi.*

"He explored with extraordinary powers of analysis the learning of the past, embodying and systematizing those great principles of jurisprudence which illustrate his decisions as a judge, and give imperishable value to his works as an author." *Resolutions of the Bar and Officers of the Supreme Court of the United States, offered by Hon. John Davis of Massachusetts.*

"His decisions and writings have shed a light upon constitutional law and general jurisprudence, which will endure so long as civilization exists." *Resolutions of the Providence Bar, offered by Hon. R. W. Greene.*

"That master mind whose very dictums the greatest lawyers have revered." *New York Legal Observer*, v. 3, p. 364.

"The works of Mr. Justice Story, . . . which have given to American jurisprudence the highest name throughout the world, and to their author everlasting renown." *Western Law Journal*, (Dec. 1847,) v. 5, p. 107.

"That desirable union between the respective methods of the foreign and the English jurists, . . . which the lamented Story has so admirably exemplified." *Duer on Insurance*, v. 1, *pref.* p. v.

"English justice admits, with frankness and candor, and with no feeling but that of respect and admiration, that he was of all men who have yet appeared, most fitted by the comprehensiveness of his mind and the vast extent and accuracy of his attainments, to compare the codes of nations, to trace their differences to differences of origin, climate, or religious or political institutions, and to show, notwithstanding, their concurrence in those great principles upon which the system of human civilization rests." *Hon. Daniel Webster, Pref. 3 Story's Rep.* p. ix.

"Mr. Justice Story has, in a series of valuable publications, not only enriched the library, but enlarged the horizon of the American lawyer. He has most fully verified by his success, an opinion we have long cherished, as to the superiority of the civilians, and those nourished in their conversation, as elementary writers, over the lawyers trained for practice in England." *Hon. H. S. Legaré. New York Review*, vol. 5, p. 286.

"The first five of these contracts, Agency, Bailments, Bills of Exchange,

Promissory Notes and Partnership, are made the subjects of as many distinct elementary treatises by that indefatigable, learned and experienced jurist, Mr. Justice Story. We have been for some time familiar with them, and can confidently recommend them to the student as better adapted for his purposes, and indeed for those of practitioners, than any others which we are aware of being extant." *Warren's Law Studies*, 2d ed. p. 759. *London*, 1845.

"The profession of this and every other country has had the advantage of becoming acquainted with the admirable commentaries on the law of Bailments, Partnership, Agency, Bills of Exchange and Promissory Notes. [Dr. Story] has conferred the greatest benefits on the jurisprudence of every country, by the tendency of his writings to promote the most advantageous study, and the most sound and useful application of it. *Burge's Commentaries on Suretyship*, *London*, *pref.* p. iv.

"It is no mean honor to America, that her schools of jurisprudence have produced two of the first writers, and most esteemed legal authorities of this century;—the great and good man [Judge Story] who has just been taken from us, and his worthy and eminent associate, the Professor Greenleaf.—Upon the existing law of Contracts and the law of Evidence, more light has shone from the new world than from all the lawyers who adorn the Courts of Europe." *Law Magazine*, *London*, vol. 34, p. 350.

"It [Prof. Story's Inaugural Discourse] conveys a very high opinion of the author's abilities, both as a lawyer and a scholar, and presents an elegant and comprehensive view of the rise and progress of the English Law." *Spectator*, (*London*) 1836.

"The name of Story has shed so much lustre on the jurisprudence of his own country, and that of Europe, that I can never adequately express my share of the obligations he has conferred on both. Our judges cite him with language showing their high respect for his talents and learning. I have found in his writings more to satisfy minute inquiries, and impart the fullest information, than I have ever met with anywhere else." *From a letter of William Burge, Esq., Q. C., to Prof. Greenleaf*, April 1, 1843.

"The system of subdivided study and labor may produce a Campbell, it could not produce a Pennefather; it may produce a Pollock, it could not produce a Robertson; it may produce a Follett, it could not produce a Berryer; it may produce a Sugden, it could not produce a Story; it may produce a Wilde, it could not produce a Webster or a Guizot." *Fraser's Magazine*, August, 1844.

"Mr. Justice Story, whose treatises, both on equity and law, evince such luminous and philosophical researches, and are written in such a high moral tone, and with such peculiar felicity of thought and expression, that in England they have taken their place in the first rank of law classics." *A Treatise on the Admissibility of Confessions, &c.*, by H. H. Joy, Esq. (pref. p. vi.) Dublin, 1842.

"His legal reputation in America rests, perhaps, upon a work little known in this country, — his Commentaries upon the Constitution of the United States. This was followed, within a few months, by his Commentaries on the Conflict of Laws, and preceded by his admirable work on Bailments. These works, followed between 1833 and his death by treatises on the law of Principal and Agent, Bills of Exchange and Promissory Notes, Equity Jurisprudence and Equity Pleading, — have, from their fulness, their research, their candor, and the comprehensiveness which characterizes them, placed the name of Professor Story in the very first rank of the legal authors of the age." *Letters on the present state of Legal Education, &c.*, by H. H. Joy, Esq. (Dublin and London, 1847,) p. 125.

"Mr. Justice Story's books certainly rank as high, or higher than any other books that we have." *Ib.* p. 126.

"Lord Campbell, speaking of American as compared with English jurists, says, 'I really hardly know any name which we can so much boast of, as the Americans may that of Professor Story, and Chancellor Kent, and others of very great distinction.'" *Joy's Letters on Legal Education*, p. 124.

"He may not improperly be called the first legal author of his time." *Law Review*. (London) III. 245.

"In fluency of language, in countenance, and in amiableness of character, he strikingly resembled Alexander Von

Humboldt. His ability is shown by the text-books on almost all branches of the law, published since his appointment to the professorship, which are classic in England, where they are cited as authorities." *Translated from the Conversations Lexicon 'der Gegenwart,' (Leipsic) Art. Story.*

"Greater than any law writer of which England can boast, or which she can bring forward, since the days of Blackstone." *Lord Campbell's Speech in the House of Lords*, April 7, 1843.

"I have long known and respected your learned countryman, as one who does the greatest honor to his double country, I mean to America, and to Jurisprudence." *Translation of part of a letter from Savigny to Theodore S. Fay, Esq.*

"Mr. Justice Story has established an enduring reputation amongst the lawyers of all countries by his Commentaries on the Conflict of Laws; whilst his works on Bailments and Equity are already exercising a formidable degree of rivalry with the best British books on these subjects." *London Quarterly Review*, (Dec. 1840), vol. 67, p. 32.

"There is scarcely a country possessing anything like a system of jurisprudence in which his name and his writings are not known and respected; and his judicial career obtained for him a reputation which extended, because it exercised an influence, beyond the limits of his own country. But in no part of the world were his learning and his attainments more highly appreciated than in England. His writings were placed in the libraries of our Inns of Court; they have been considered the most safe, as well as the most useful guides, in enabling the student and the advocate to acquire the best accurate information on those great questions of commercial and international law, of which they treat. His writings were continually cited from the benches of our Courts of Law and Equity, in terms of the highest approbation. . . . [His treatises] will contribute to restore the law of England to its former rank as a science which is to be studied, with a view of storing the mind with great principles, and will rescue it from its present reproach." . . . *Law Review*, London, v. 3, pp. 377, 378.

"I survey with increased astonish-

ment your extensive, minute, exact and familiar knowledge of English legal writers in every department of the law. A similar testimony to your judicial learning, I make no doubt, would be afforded by the lawyers of France and Germany, and we should all concur in placing you at the head of the jurists of the present age." *Extract from a letter of Lord Campbell to Mr. Justice Story, Sept. 29, 1842, quoted in Sumner's Φ. B. K. Oration.*

"America has lost one of her greatest men in the person of the celebrated jurist, Judge Story, who died at Boston on the 10th September last. Judge Story is well known, not in England only, but in every part of Europe, by his *Commentaries on the Constitution of the United States*, his *Treatise on the Conflict of Laws*, and other legal works of the highest reputation." *London Spectator, Oct. 18, 1845.*

"This opinion" [*Peters v. Warren Ins. Co.*, 3 Sumn. R. 389, where he dissented from the case of *Devaux v. Salvador*, 4 Adolph. & El. 420,] "will at least neutralize the effect of the English decision, and induce any of their courts to consider the question an open one." *Extract from a letter of Lord Denman, Chief Justice of the Court of Queen's Bench, to C. Sumner, Esq.*

—"That eminent American jurist, Mr. Justice Story, himself one of the most elaborate and successful legal writers of his age, and whose works are continually cited by both bench and bar in their country, [and] with the utmost respect in this country." *Blackwood's Edinburgh Magazine, (Feb. 1847,) vol. 61, p. 144.*

"A distinguished foreign jurist" *Vice-Chanc. Wigram's Points in the Law of Discovery, Adv. vii. 2d Ed. London, 1840.*

"The most renowned of these judges [of the Supreme Court of the U. S.] is Joseph Story." *Das Verfassungs Recht der Vereinigten Staaten Nord America's, nach James Kent, by Dr. Bissing.*

A glance at the English Reports will make it evident that the works of Mr. Justice Story are familiarly and favorably known to all the courts. Two instances, in which they were cited with marked respect, have been already noticed.

Mr. Dampier, in a very celebrated argument to the House of Lords, ob-

serves: "The subject is ably treated by Mr. Justice Story. To his remarks the House may with propriety be referred." *Birtwhistle v. Vardill*, 7 Cl. & Fin. R. pp. 910, 911.

Lord Cottenham remarks, that the authorities on a novel point in international law, "are well collected and observed upon by Dr. Story." *Johnstone v. Beattie*, 10 Cl. & Fin. R. p. 116.

The Attorney-General cites Chancellor Kent and Mr. Justice Story as "two most eminent lawyers." *Queen v. Millis*, 10 Cl. & Fin. R. 546.

"I cannot refrain from asking your lordships to consider how this subject has been viewed by our brethren in the United States of America. They carried the common law of England along with them, and jurisprudence is the department of human knowledge, to which, as pointed out by Burke, they have chiefly devoted themselves, and in which they have chiefly excelled. Their two greatest legal luminaries are Chan. Kent and Prof. Story." *S. C. Opinion of Lord Campbell*, 10 Cl. & Fin. R. 777.

"The court took time to consider the case, which was argued very ably a few days ago, not from any doubt we felt at the time, but from a desire to examine certain authorities, to which we were referred, in American text writers." *Opinion (pronounced by Parke, B.) in Vierboom v. Chapman*, 13 Mees. & W. R. 233. The case was then decided in conformity with Mr. Justice Story's note to *Abbott on Shipping*, p. 329.

The case of *Hall v. Smith*, 1 Barn. & Cresw. R. 407, was overruled by the Court of Exchequer in conformity to an opinion expressed in *Story on Partnership*, sec. 143. See *in re Clarke et al.*, 1 Phillips Chanc. Rep. 562; *Ex parte Buckley*, *in re Clarke*, 14 Mees. & Welsb. 473.

Mr. Justice Story's works are referred to as authorities in the following English cases: *Clark v. Mullick*, 3 Moore's P. C. Rep. 258; *Downman v. Williams*, 7 A. & E. 107; *King v. Sinmonds*, 7 A. & E. 299; *Harrison v. Ruscoe*, 15 Mees. & Welsb. 234; *Rawlinson v. Clark*, *Ibid.* 298; *Wilders v. Stevens*, *Ibid.* 210; *Brown v. Wilkinson*, *Ibid.* 395; *Chappell v. Parday*, 14 *Ibid.* 308; *Ormrod v. Huth*, *Ibid.* 661; *Catherwood v. Caslon*, 13 *Ibid.* 263; *Franklin v. Neate*, *Ibid.* 482, 483; *Acton v. Blundell*, 12 *Ibid.* 350; *Mackersy v.*

Ramsays, 9 Cl. & Fin. 834; *Ferguson v. Fyffe*, 8 Ibid. 134; *Drake v. Attorney General*, 10 Ibid. 277; *Grant v. Hunt*, 2 M. G. & Sc. 51; *Cooper v. Willomatt*, Ibid. 681; *Countess of Dalhousie v. McDonall*, 7 Cl. & Fin. 823, 824, 831, 832; *Munro v. Munro*, Ibid. 866; *Wilson v. Tumman*, 6 Man. & Gran. 240; *Cole v. Green*, Ibid. 892; *Stewart v. Stewart*, 6 Cl. & Fin. 949.

COMMENTARIES ON THE CONSTITUTION OF THE U. S.

with a Preliminary Review of the Constitutional History of the Colonies and States before the adoption of the Constitution. 3 vols. 8vo. \$12.00. Boston, 1833.

The SAME, abridged by the author. 8vo. \$3.00. Boston, 1833.

"This great work . . . admirable alike for its depth of research, its spirited illustrations, and its treasures of political wisdom, has accomplished all, in this department, which the friends of constitutional law and liberty could desire. *Prof. Greenleaf's Eulogy*.

"We know not that we could point to an individual better qualified for the task than the author of these 'Commentaries.' His habits of severe study, and accurate investigation and comparison of written instruments, and his long official experience in the examination of legal and constitutional questions, with a powerful and penetrating mind, give a value to his labors which few commentators could receive or claim.

"The Commentaries are themselves a review of the constitution. . . . The judge takes not a step without feeling that his ground is firm and his way marked by the surest guides. . . . The Commentaries contain a full, lucid, and satisfactory explanation of the history and principles of our government and the distribution of its powers, sustained by a course of clear and consistent reasoning and high authority." *American Quarterly Review*, (Philadelphia) Dec. 1833, v. 14, p. 329. *From a review by Judge Hopkinson*.

"The work is of the very highest importance, as bearing both upon legislation and jurisprudence; since it presents the subject of constitutional law so luminously before the community, that it will be scarcely possible that any question henceforth arising on the subject should be superficially treated, either in legislative debate, or forensic argument." *Jurist*, (American) v. 10, p. 147, July, 1833.

"The work now before us is to our Constitution all that Blackstone's Commentaries were to the English Consti-

tution. . . . [It shows] a rare union of patience, brilliancy, and acuteness, . . . containing all the learning on the constitution brought down to the latest period, so as to be invaluable to the lawyer, statesman, politician, and in fine to every citizen who aims to have a knowledge of the great charter under which he lives." *American Monthly Review*, December, 1833.

"Mr. Justice Story acted wisely in making the Federalist the basis of his Commentary; and as we had the experience of nearly fifty years since the Federalist was written, the work of Judge Story was enriched with the result of that experience, and it is written in the same free and liberal spirit, with equal exactness of research and soundness of doctrine, and with great beauty and elegance of composition." *Kent's Commentaries*, v. 1, p. 241.

"It is the province of a work, like Mr. Justice Story's, and by him most successfully administered, to place the entire learning relative to the subject treated, in precisely that form which makes it most intelligible and most attractive to the student, giving not all that the books contain, but all that the magnetism of a good mind takes up from them, as possessing the quality in request." *North American Review*, Jan. 1834, v. 38, p. 63.

"A work of various and profound learning, full of the results of sound political wisdom, and careful observation of the history of the country." *American Review*, New York.

"His work on the Constitution of the United States is one of his most eminently successful labors." *Hon. Daniel Webster, Pref. 3 Story's Rep.* p. iv.

"The explanation is particularly distinguished by a homogeneousness in

the mode of treatment, and an acuteness of logic of the very highest grade; and generally manifests a very just political feeling, and a peculiarly sound understanding in the conclusions. The examination of the opinions of others which the author's extraordinary reading has enabled him to bring together is extremely copious, and oftentimes surprisingly striking and acute. The reader will seldom differ from the author in opinion, or leave his discussion without being fully satisfied. To these great excellencies, it has doubtless much contributed that the author introduces his explanation of the individual points by a full and highly successful establishment of the fundamental principles to be followed in the exposition of the constitution, and thus obtain a sure foundation for himself and his reader.

It would carry us too far, if we were to undertake to point out all the particular discussions and passages, in which the author has resolved his problem in a particularly happy manner; they are quite too many. . . . We have in this work as perfect and excellent a commentary on the North American Public Law as can be produced by deep and profound reflection, acute logic, extensive knowledge of the national condition and writings, and just political views. Professor Story, by his

able and diligent labors, has, without doubt, done a great service, not only to his countrymen, but also, and a still higher degree, to the European publicists, among whom his work will receive an honorable fame, as readily awarded as it will be enduring." *Extract from a Review by Prof. R. Mohl, of Tübingen, in the Kritische Zeitschrift, &c. published at Heidelberg by Professors Mittermaier and Zachariæ.*

"A good French translation of this Abridgment would be a service rendered to all the Continent of Europe." *Revue Etrangere, Paris.* It has since been translated, by Paul Odent, in two volumes, 8vo.

"They contain a most comprehensive and accurate exposition. . . . They should be attentively read by all who are desirous of acquiring a correct view of the original constitution of our American colonies." *Law Review, London*, III. 375.

"The clear and intelligent account they contain of the political as well as judicial system of America." *Edinburgh Law Journal*, v. 2, p. 427.

"It is indispensable to one who wishes to have an exact and complete idea of the federal constitution of the United States." *Revue Etrangere*, v. 10, p. 687.

COMMENTARIES ON THE CONFLICT OF LAWS, FOREIGN AND DOMESTIC. 3d ed. 8vo. \$6,50, Boston, 1841.

This work has been reprinted in England, has been translated into German, and we are informed that a translation is now preparing into French. It has been extensively reviewed both in Europe and in this country. The following are extracts from some of the reviews.

"Judge Story, whose distinguished ability and industry have contributed so much to the exalted reputation of the Supreme Court, finds time, in the intervals of judicial duty, to favor the profession and the public with treatises upon important subjects of legal science, as Dane Professor of Law in Harvard University. . . . [In] the work itself all the necessary explanations are given to render the subject perfectly intelligible. A perusal of the work will show the great number of authors whose books have been examined, and the endeavors

to reconcile their conflicting opinions, when it was possible to do so. The work on the Conflict of Laws will have a decided influence in realizing Cicero's wish, and in bringing about a consummation so much desired, — a uniformity of laws among the different nations of the world." *American Quarterly Review (Philadelphia)*, June, 1835, Vol. 17, p. 303.

"He has brought to bear upon the subject, and to enlighten it, an immense fund of foreign learning, and there is no treatise extant on the subject of Conflict of Laws, so accurate, full and complete. There was no one head of the Law that stood so greatly in need of such an effort." *Kent's Comm.* Vol. II. p. 463.

"Others have written more voluminously on these topics, but none with greater power." *Prof. Greenleaf's Eulogy.*

"The most able, profound, and original of his writings. The various, deep, and rare learning of this work, is not more remarkable than its luminous arrangement, the natural succession of its topics, and the fulness of its illustrations." *American Review, New York.*

"This admirable treatise. . . . The author has displayed much industry, acumen, and facility in managing and arranging materials which none but the hand of a master could have moulded into the perfect form they have assumed under his direction." *Louisiana Law Journal (May, 1841), Vol. I. p. 77.*

"It is, therefore, absolutely refreshing to sit down to the task of commenting on a work such as that before us, of which we may commence by saying, that if the subject-matter is vast, the arrangement is philosophical and lucid, and the style is almost classical." *Jurist (English), Vol. V. p. 562.*

"Valuable work." *Hosack's Conflict of Laws, Part I. p. 63. London, 1847.*

"Its discussion was to be found only in the writings of continental jurists, until Mr. Justice Story bestowed on it the learning and research for which he is so eminently distinguished. His treatise on the Conflict of Laws, foreign and domestic, is cited by English judges with the high commendation it so justly merits, and international jurisprudence is largely indebted to him." *Commentaries on Colonial and Foreign Laws, by William Burge, Esq. London, 1838. Ded. p. xi.*

"Mr. Justice Story's Conflict of Laws is one of the most interesting and valuable juridical publications of modern times, and ought to be in the possession of every lawyer, in whatever department he may practise, who aims at obtaining an enlarged and comprehensive view of Law, as applicable to some of the most important rights and relations of mankind. Of this work it is difficult to speak in terms of adequate eulogy." *Practical Introduction to Law Studies, by Samuel Warren, F. R. S. 2d ed. p. 771. London, 1845.*

"This work of an American Jurist is calculated to excite the most lively interest in both hemispheres. M. Story is the first writer who, in our time, has employed himself, *ex professo*, upon International Law, and we think that he has fully performed the duty which he undertook. . . . We have found,

upon all the matters of international law, the discussions properly reasoned and supported by authorities." *Revue Etrangere, Paris.*

"Particularly to be recommended, therefore, is the present work of this author (the same whose excellent Commentaries on the Constitution of North America was noticed in our preceding number,) who has a rare practical tact . . . and at the same time is noted for a strict scientific education, a thing rare in America." *From a notice by Mittermaier in the Kritische Zeitschrift, &c., a Law Magazine published at Heidelberg, Vol. 7, p. 228.*

"I have repeatedly and deliberately gone through the whole work of Mr. Justice Story, which I deem the most comprehensive and candid in our language, relating to that department of the law administered so long by the Consistory Court of Edinburgh as the Inferior, and the Court of Session as the Grand Consistory of this Kingdom. No jurist can peruse it without admiration of the industry, candor and learning with which it is composed.

"If you can attract the attention certainly merited to this work, it must be useful in dispelling prejudices and exciting imitation. For it supplies valuable information, supported by a greater body of authorities, both in opinions of the most eminent jurists, and in decisions of consistorial judicatures, that I have before seen collected in one volume." *Extract of a letter by J. Ferguson, Esq. late Judge in the Consistorial Court of Scotland, and author of the work on Divorce.*

"Professor Story has long been known to the jurists of every country of Europe, as one of the few great masters of the science of jurisprudence that the world at present possesses, and one who has been mainly instrumental in pushing forward those legal reforms which have of late years done honor to the United States. . . . The example of the daughter has stimulated the parent, and England has, during the last five years, made greater advances towards perfecting her system of jurisprudence, than during any century of her previous history. We hail, therefore, the work of Professor Story, not merely on account of its intrinsic beauties, but also as a means of promoting an interest in the study of jurisprudence. The power with

which he has balanced conflicting arguments, and the learning which he has displayed in travelling through the heavy labors of his predecessors, and extracting from them the pith of their reasonings, must delight every inquisitive mind, and justify us in a hope, which they who peruse the book will not think extravagant, that the Treatise on the Conflict of Laws may prove the foundation in this country of a school of jurisprudence." *Legal Examiner* (London), Vol. IV. p. 512.

"Observing how little had been done in England in this department of law, the late Mr. Justice Story, in order to supply this want, resorted to the writings of the continental writers before mentioned, and in 1834 produced his excellent Commentaries on the Conflict of Laws." *Law Review*, London, Vol. IV. p. 326.

"No work on international jurisprudence merited, or ever received greater praise from the jurists of Europe. It impressed English lawyers with the highest respect for the extensive learning of Mr. Justice Story, and the practically useful purposes to which he applied it. It is scarcely ever cited without a sincere encomium, either from the Bench or the Bar, on its great merits, and the obligations its learned author has conferred on the profession. The feelings of respect with which his character and eminent attainments were regarded, were evinced on the occasion of his expected visit to England two or three years ago, when the Masters of

the Benches of the several inns of Court had resolved on inviting him to a public dinner in their halls. Unfortunately the state of his health prevented him from visiting Europe, and the Bar of England were deprived of the opportunity of personally offering him their homage and respect." *Law Review*, London, Vol. III. pp. 376, 377.

"Dr. Story's work is altogether of so excellent a description, and betokens a mind so completely imbued with the purest principles of legal philosophy, that it ought to be in the hands of every person, who aims at studying in an intelligent way the higher departments of professional knowledge." *Edinburgh Law Journal*, Vol. II. p. 427.

Sir N. C. Tindal, C. J. of the Court of Common Pleas, in delivering the opinion of the Court, in the case of *Huber v. Steiner*, in noticing an important distinction which had been taken by counsel, remarked, "this distinction is stated to be adopted from a work entitled Commentaries on the Conflict of Laws, p. 437, by Joseph Story, LL. D. a work which it would be unjust to mention, without at the same time paying a tribute to the learning, acuteness, and accuracy of its author." *2 Binghams's New Cases*, 211.

Lord Brougham also referred to "the excellent distinction taken by Mr. Justice Story, and approved of in the Court of Common Pleas, in the case of *Huber v. Steiner*." *Don v. Lupmann*, 5 Cl. & Fin. R. 16.

COMMENTARIES ON EQUITY JURISPRUDENCE, as administered in England and America. 2 vols. 8 vo. 4th Ed. \$11.00. Boston, 1846.

COMMENTARIES ON EQUITY PLEADINGS, and the Incidents thereto, according to the Practice of the Courts of Equity of England and America. 4th. Ed. 8 vo. \$6.00. Boston, 1848.

The profession are greatly indebted to the distinguished jurist, whose excellent works, we have often heretofore had occasion to notice, for these most valuable Commentaries [Equity Jurisprudence, Vol. I]. The first volume only has yet appeared, but the plan of the work, the manner in which it has thus far been executed, and the well known talents, profound learning, great experience and judgment of the author, give ample assurance that when completed, it will

supersede all other treatises upon the same subject. Such a work has been much wanted. No complete treatise upon Equity Jurisprudence has been published. *Jurist*, (American) v. 15, p. 363, July 1836.

[Equity Jurisprudence.] "The masterly treatise." *2 Kent's Comm.* 466. note.

"This is one of the best, [Equity Jurisprudence,] if not the best of the books published by its learned author.

It may be said to be the most complete treatise on the subject, systematically arranged, treating upon almost every point that has arisen, or may arise, and especially rich and delightful in its references to, and illustrations drawn from, the civil law. *American Law Magazine*, (Philadelphia) v. 1. p. 448, July, 1843.

"In point of learning and research, it [Equity Pleadings] will bear a comparison with any of the elaborate works already published by its author. . . . As a practical manual for consultation and reference, it renders all other works of the kind superfluous and unnecessary, as it contains all that is to be found in them, and much that is new." *American Jurist*, v. 19, p. 483, July, 1838.

"There are no works in our language in which the true doctrines and practice of the Law of Equity and its importance to the administration of complete justice, are so convincingly taught; and probably no one of his works has been received by the profession with greater thankfulness, or is more frequently consulted." *Prof. Greenleaf's Eulogy*.

"One of the very best books [Equity Jurisprudence] that have ever been written in English upon any legal subject." *American Review*, New York.

[Equity Pleading] "in which a difficult and abstract subject is treated with singular clearness and comprehensiveness" *Ib.*

[Equity Jurisprudence] "The critical and elaborate learning with which every title of equity is discussed, blending the utility of a Digest with the merit of a philosophical treatise, must always render that great work indispensable to the lawyer, or the advanced student." *Holcombe's Introduction to Equity Jurisprudence*, Cincinnati, 1846.

"The approbation of this work [Equity Jurisprudence] by the profession in this country and in England, is high evidence of its merit, and of the great learning and ability of its author." *Mr. Just. McLean's opinion in Story's Ex. v. Holcombe*.

"The best text book, by far [Equity Jurisprudence] ever yet published on that subject." *Hon. H. S. Legaré, New York Rev.* v. 5. p. 287.

"The merits on which we found our recommendation of the work, [Equity Pleadings] are the admirable arrangement of matter, the clear statement of the cases which are quoted, and the lucid and forcible manner in which their

bearing upon the several doctrines is illustrated. These are merits of no ordinary advantage to the practical lawyer, and of inestimable benefit to the student." *Law Magazine, London*, May, 1839.

"We hail the appearance of this work [Equity Pleadings] with great pleasure. The name of its distinguished author vouches for the ability of its execution; and on no subject, could he have more usefully employed himself than that which he has selected. There is one unusual and interesting circumstance connected with this treatise;—it contains an attempt, (the first of which we are aware), to show that the abilities of a transatlantic lawyer may be made available in England; not merely in the elucidation of general principles, but in the explanation of practical details. Here is a treatise upon pleading, written in America, and intended as a work of reference, not merely for the American, but for the English pleader. This is a bold experiment; still, such are the merits of the work, that we venture to say it will prove a successful one."

"It is not our intention to present our readers with a detailed account of this treatise. It contains a thorough investigation of the system of equity pleading, its principles and practice. The author has never lost sight of the former, while examining the minutiae of the latter, a task on which he has bestowed a degree of labor which it is really impossible to consider without astonishment. Numbers of books are cited in this treatise, the circulation of which, we had thought, was confined to London, but which he has evidently perused, compared, and criticised with the greatest diligence and the most striking acuteness.

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"The accurate and learned critic of English and American Law." *From a Notice in the Kritische Zeitschrift, &c.*, v. 8, p. 420, by *Michaelis of Tübingen*.

"We strongly recommend the entire work [Equity Jurisprudence] to the perusal of our readers. In the work upon Equity Pleading, we found an excellent arrangement, a clear statement of cases, and a satisfactory explanation of all received doctrines. In this work, far higher qualities have been displayed. Maxims are laid down and traced in their operation. The history of the jurisdiction is stated, the principles are developed upon which it is maintained, and the entire equitable system assumes a philosophical character, with which it has never been invested by any preceding author. The student finds an easy introduction to all the principal characteristics of equitable doctrines, and while he learns to view them with interest, is invited to further and more

accurate investigation." *Law Magazine, (London)* v. 22, p. 61, Aug. 1839.

"It has stated [the article 'Equity' in the *Encyclopedia Americana*, written by Judge Story] the real case much more accurately than I can find it stated in any English law-book." *From a Lecture by Professor Park, of King's College, London*.

[Equity Jurisprudence.] "This work enjoys in England, as well as in the United States, a high respect and great authority. It is a book equally useful for its expositions of principles and practice." *Revue Etrangere. Paris*, v. 9, p. 200.

[Equity Jurisprudence.] "With the single exception of the Commentaries on Equity, we have, in fact, no work of authority which pretends to define the various duties and powers of the highest and most important branch of our municipal institutions." *Jurist, (English)* v. 3, p. 728.

COMMENTARIES ON THE LAW OF BAILMENTS, with Illustrations from the Civil and the Foreign Law. 4th ed. 8vo. \$5. Boston, 1846.

"In our Introductory Lecture on the Roman or Civil Law, we had occasion to advert to this admirable work of Mr. Justice Story, an author always learned, perspicuous, elementary and thorough, *quem appellasse, laudasse est*. We there perceive the riches of a highly cultivated and embellished mind, gratefully returning to the abundant fountain of the Roman Law, a portion of its borrowed wisdom, and paying the most willing homage to the exalted merit of Justinian, of Pothier, Domat, Vinnius, Heineccius, and others." *Hoffman's Legal Outlines*, v. 1, p. 419.

"I would strongly recommend that volume to the student, who wishes to pursue more extensively than the plan of the present lecture permitted, the refined distinctions and practical illustrations which accompany this branch of the law. I have availed myself of the lights which that work has afforded, and the confidence which it has inspired, while engaged in the revision of my own more brief and imperfect survey of the subject. This excellent treatise is the most learned and the most complete of any that we have on the doctrine of bailment. It aims to lay down all the principles appertaining to the subject, both

in the civil, the foreign, the English, and the American law, with entire accuracy; and I beg leave to say, after a thorough examination of the work, that in my humble judgment, it has succeeded to an eminent degree." *Kent's Comm.* v. 2, p. 611.

"Everything regarding this subject which is really valuable, in either system, may be found in this work. The plan and execution of it deserve the highest commendation. It is a book which, from its intrinsic merit, and pre-eminent utility, will readily find its way into the library of every accomplished, practical lawyer, and for its various learning and sound doctrines, will be read and admired by every learned jurist." *American Jurist, (Jan. 1832)*, v. 7, p. 202.

"He has embraced the whole of the Common Law of Bailments in the most complete and methodical manner, and has shed a bright light over the entire subject. Nor is this all. He has embodied in his work a luminous commentary on the civil law in relation to the doctrine of Bailments, and on the derivative codes of France, Germany, Spain, and Scotland." *American Monthly Review, (April, 1832)*, v. 1, p. 334.

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"All who have studied the Commentaries,—the admirable Commentaries,—of this illustrious American on the 'Conflict of Laws,'—and his equally able 'Commentaries on Equity Pleadings,' will be grateful to Mr. Charnock for the introduction of this treatise into the English catalogue of legal works. It is, indeed, an important addition to the library of the lawyer, and will, ere long, not only be regarded as an indispensable auxiliary in Chambers, but attain to the rank of an authority in our courts. We have no doubt that from other quarters, and from the lips of individuals much higher than we are, the same sentiment will be repeated." *Monthly Law Magazine, (London) Feb. 1839, v. 4, p. 84.*

"It is impossible to rise from the perusal of such a work as the present, a work written in our English language, upon a branch of our English law, without experiencing a sense of deep national mortification that it should have proceeded from any other pen than that of an Englishman." *Second notice in the Monthly Law Magazine, April, 1839.*

"A short time since, having accidentally ascertained that a work on the Law of Bailments had been published in America by Dr. Story, the editor became extremely desirous to possess a copy of a book, which he anticipated, (judging by Dr. Story's other works) he should find to be valuable. The editor made inquiries in every direction where it was deemed probable he should obtain it, but without success. It is believed that none of the libraries of our Inns of Court, nor that of the British Institution, possess a copy, and certainly no such book is contained in the Catalogue of the British Museum. Many further attempts were made to acquire this work, and in every instance the editor failed in accomplishing the object he so anxiously sought. Chance then came to his aid, and granted him that boon, which his efforts had not been able to effect. The editor was informed that a barrister resident in the Temple, who possesses a magnificent library, had this book, it having been, it is believed, Lord Stowell's copy. The editor was accommodated with the loan of the book, and as purchasing it could not be thought of, he incurred the expense of employing an amanuensis, and thus enabled, he has enriched his own library with the desideratum. Considering the difficulty of procuring this book, it occurred to the editor that a reprint in this country, would be deemed an acceptable offering to the profession." *From the Preface to the English edition, London, 1839.*

"A work of great value and learning." *Legal Observer, v. 17, p. 330.*

"The only complete treatise on this head of law. It may be affirmed of these Commentaries, that an attentive perusal of them will supply the student with the fullest and most perfect information on every question which can arise on the Law of Bailments." *Law Review, (London), III. 374, 375.*

COMMENTARIES ON THE LAW OF AGENCY, as a branch of

Commercial and Maritime Jurisprudence, with occasional Illustrations from the Civil and Foreign Law. 3d ed. Svo. \$5.00. Boston, 1846.

'Mr. Justice Story, in his valuable treatise, has supplied every deficiency, and left nothing to be desired by the practitioner or student. . . . The whole work is marked with that ample and

redundant learning and vigorous good sense, which have given his previous writings so high an authority both in England and America." *Jurist (American), v. 22, p. 479, Jan. 1840.*

"It is not necessary that we should recommend this work to the profession, but we earnestly commend it to the especial attention of those readers who are engaged in mercantile pursuits." *Law Reporter*, Nov. 1839, v. 2, p. 219.

"The powerful assistance which Mr. Justice Story has already given in the study of several departments of Law and Jurisprudence, is a sufficient reason for drawing the attention of our readers to his new publication; but an additional motive, were any needed, would be supplied by the spirit in which all his publications are conceived. . . . He has

entered . . . philosophically into the subject, has traced principles with . . . persevering scrutiny; and without losing sight of the wants of a practical lawyer, has produced a treatise in which the student may ascertain the elements and principles on which the entire doctrine is founded." *Law Magazine*, (London) v. 23, p. 1, Feb. 1840.

"The principal work on the English and American Law of Agency, is Story's Commentaries, &c." *Mittermaier Privatrecht*, b. vii. § 551, note 1, (ed. 1843.)

COMMENTARIES ON THE LAW OF PARTNERSHIP, as a Branch of Commercial and Maritime Jurisprudence, with occasional Illustrations from the Civil and Foreign Law. 8vo. \$ 5.50. 2d Edition. Boston, 1846.

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"This work has been considered both in the United States, England and Germany, as one of the most important which have appeared on this subject. Mr. Story has explained in a manner clear and precise, the developments which have taken place in the law of bills of exchange, and on every point

he has given distinct principles drawn from the nature of life and the necessities of trade. His eminently practical tact has enabled him to lay his finger upon the essential points." *Revue Étrangère, second series*, vol. 2, App. p. 47.

GALLISON'S REPORTS. Reports of Cases in the Circuit Court of the United States for the First Circuit. 2d ed. With additional Notes and References. By John Gallison. 2 vols. 8vo. \$11. Boston, 1845.

MASON'S REPORTS. Reports of Cases in the Circuit Court of the United States for the First Circuit, from 1816 to 1830. By William P. Mason. 5 vols. 8vo. \$27.50. Boston, 1819-31.

SUMNER'S REPORTS. Reports of Cases argued and determined in the Circuit Court of the United States for the First Circuit. By Charles Sumner. 3 vols. 8vo. \$16.50. Boston, 1836-40.

STORY'S REPORTS. Reports of Cases argued and determined in the Circuit Court of the United States for the First Circuit. By W. W. Story. 3 vols. 8vo. \$16.50. Boston, 1842-47.

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[Admiralty judgments.] "Justly admired by all cultivators of the Law of Nations." *Extract from a letter of Sir James Mackintosh to Hon. Edward Everett, June 3, 1824.*

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